

WILMERHALE

January 6, 2012

Andrea J. Robinson

By Hand

The Honorable George B. Daniels
 United States District Judge
 United States Courthouse
 500 Pearl Street, Room 2510
 New York, NY 10007-1581

SO ORDERED:

George B. Daniels
 George B. Daniels, U.S.D.J.

Dated: JAN 12 2012

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Re: *Lighthouse Financial Group v. The Royal Bank of Scotland Group, PLC*, No. 11 Civ. 398

Dear Judge Daniels:

I write on behalf of defendant Royal Bank of Scotland Group plc ("RBS") to request permission to file a memorandum of law of up to 75 pages in support of RBS's motion to dismiss for failure to state a claim, due on January 13, 2012.

The Court's Individual Practices state: "Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages. . . ." As Your Honor may be aware, the Consolidated Amended Complaint is 170 pages long, plus exhibits, and incorporates by reference numerous public filings and other voluminous materials. It asserts claims against both RBS and certain of its current and former officers and directors under multiple provisions of both the Securities Act and the Securities Exchange Act. The allegations involve events and statements spanning a nearly two-year period, from March 2007 to January 2009. RBS respectfully submits that a memorandum of 75 pages (1) is consistent with briefing permitted in other comparable securities litigations; (2) will allow RBS to address the issues adequately and thereby aid the Court in deciding the motion; and (3) will achieve efficiencies for the Court in view of the number of individual defendants who are planning to incorporate RBS's arguments by reference in lieu of having separately each to make them.

We are making every effort to avoid overtaxing the Court with needless paper. RBS intends to file a separate motion for dismissal pursuant to the doctrine of *forum non-conveniens*, but the memorandum in support of that motion will not exceed the Court's 25-page limitation. In addition, the numerous individual defendants who have been served with the Complaint, whom I also represent in this matter, plan collectively to file a single joint memorandum of no more than 25 pages instead of separate briefs, and otherwise to incorporate arguments from RBS's memorandum as set forth above. The total submission from all defendants will therefore not exceed 125 pages—far less than if each defendant were to file a separate motion and accompanying memorandum.

By way of reference, in the "subprime" case against RBS previously assigned to Judge Batts, she permitted briefing—to which the plaintiffs there consented—of 160 pages on the defendants' motions to dismiss. *In re Royal Bank of Scotland PLC Sec. Litig.*, No. 09-Civ-300 [Dkt. No. 84]

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This case is somewhat simpler and involves fewer defendants, and we correspondingly believe that RBS's memorandum of up to 75 pages, and the total briefing of no more than 125 pages, will suffice.¹

We have conferred with counsel for plaintiffs, who stated that plaintiffs do not consent to this request.

Respectfully submitted,


Andrea J. Robinson

cc: All Counsel of Record

¹ The enlargement we request would be exclusive of any supporting materials such as declarations, appendices, or exhibits.